

REMARKS

Claims 1, 3, 4, 6 and 12-15 remain in the case.

Claims 1, 12, 14, and 15 stand rejected as unpatentable over the U.S. Patent to Yim No. 6,183,380 in view of the patents to Thomson, of record, and the U.S. Patent to Lawton No. 1,525,137. This rejection is respectfully traversed.

In view of the pronounced differences between a wood-type golf club head of the present invention and a putter as shown in Yim, Thomson, and Lawton, claims 1, 14, and 15 have been amended to distinguish these two different types of golf club heads and the claimed invention from this prior art. Thus, regardless of what dimensions the Yim patent might show, this patent clearly describes a putter and does not show, contemplate, or suggest its use as a wood-type head. With respect to this difference, the Examiner is invited to Table 1 on page 9 of the subject application. This table is entitled "Result of carry measurement" - "carry" being a term not normally associated with putters. The lowest carry distance in this table is 144.3 meters, a distance that no reasonable golfer would attempt to achieve with a putter, such as the putters shown in Yim, Thomson, and Lawton, none of which have the claimed wood-type golf club head.

The distances in Table 1 were achieved with golf clubs having wood-type heads. This table supports the conclusion that the claims directed to these type heads would not be obvious, based on the three cited putter patents, to a skilled artisan attempting to solve the problem of loss of carry and variance in carry as discussed on pages 1 and 2 of the subject application. It is submitted a skilled artisan would not even consider the three cited putter patents because none suggests the desirability of the claimed invention.

Furthermore, Yim has the same defective showing found in the patent to Werner et al. previously cited by the Examiner. Yim's upper portion of the putter face is curved while the lower face portion is flat or straight, yet Yim fails to specify a roll radius for the upper portion of its face. The patent to Thomson does not provide the answer because Thomson has its own problem when compared to the claims on file. Thomson's club face has three face surfaces - upper, lower, and the middle arcuate striking surface while the claims are limited to upper and lower portions at the boundary line of the face surface. To combine Thomson with Yim would thus make the result further remote from the language of the claims herein. Additionally, contrary to the Examiner's position, the roll radius of 0.7 inches in Thomson is for the middle, arcuate portion of Thomson and not for the upper portion for which there is no apparent recital of a specific roll radius. Thus, Thomson does not correct Yim's failure to state the roll radius for the upper portion of its face.

The patent to Lawton also fails to correct this deficiency of Yim because it shows a constant curved putting surface both above and below the point of ball contact. There is no teaching that there are upper and lower face portions with different radii or even a suggestion that the curvature of the putter face can be segregated into upper and lower portions and utilized apart from Lawton. It is the entire club face of Lawton that is important, and no one skilled in the art would attempt to selectively extract a portion of this face based on the Lawton disclosure. The only impetus to do so would be the teaching of the present invention which cannot be done to defeat the inventor's right to patentable claims.

The rejection of claims 4 and 13 under 35 U.S.C. § 103(a) based on the above three patents further in view of Reuter, of record, has been noted, but the Reuter patent fails to correct the shortcomings of the above three patents and this rejection is also traversed.

The last rejection covers all claims 1, 3, 4, 6, and 12-15 (apparently under Section 103) based on Werner, of record, in view of applicant's own disclosure. This rejection is clearly in error because there is no basis for holding that applicant's own disclosure of Comparative Example 7 is prior art. A review of the specification finds no admission that Comparative Example 7 is prior art. Because no prior art patent or publication has been cited showing this comparative example to be prior art, and the applicant does not admit that this example is prior art, the Examiner, if he chooses to continue with this rejection, is requested to identify the part of Section 102 of the Patent Statute that establishes that this example is prior art.

Reconsideration and allowance of claims 1, 3, 4, 6, and 12-15 are earnestly solicited.

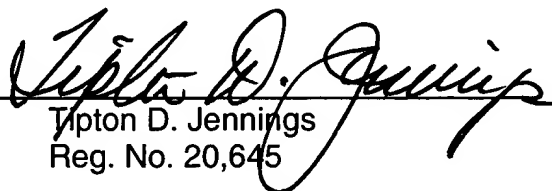
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
571.203.2750

Dated: May 9, 2005

By:


Tipton D. Jennings
Reg. No. 20,645